

IN THE CIRCUIT COURT OF TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

FILED

AUG 13 2010

WILMA DOUGLAS and  
LATRESE BOYD,

CIRCUIT CLERK  
BY *[Signature]*

Plaintiffs,

vs.

No. CS-003999-10

STATE FARM  
INSURANCE COMPANY,

*VIII*  
I, JIMMY MOORE, Clerk  
of the Circuit Court, Shelby  
County Tennessee certify this  
to be a true and accurate copy  
as filed this 8/13/10

Defendant.

COMPLAINT

JIMMY MOORE, Clerk  
By *[Signature]*

COMES NOW the Plaintiffs, Wilma Douglas and Latrese Boyd and for their Complaint  
against State Farm Insurance Company, states as follows:

FACTS

1. Plaintiff, Wilma Douglas is a resident of Memphis, Shelby County, Tennessee.
2. Plaintiff, Latrese Boyd is a resident of Memphis, Shelby County, Tennessee.
3. State Farm Insurance Company is a corporation and is registered to do business in Tennessee with its registered agent for service of process designated as the Commissioner of Commerce and Insurance for the State of Tennessee, 500 James Robertson Parkway, Nashville, Tennessee 37243-1311.
4. At all times pertinent hereto, Wilma Douglas and Latrese Boyd were parties to a contract of insurance with State Farm Insurance Company under policy number 42-BF-Y177-7 (hereinafter referred to as "policy"). The homeowners policy covered, among other things, damage and loss to Wilma Douglas and Latrese Boyd's house located at 70 Mossy Springs Drive,

Oakland, Tennessee 38060.

5. On or about July 27, 2009 Wilma Douglas and Latrese Boyd had been away for the night and upon returning to their house at 70 Mossy Springs in Oakland, Tennessee they discovered that a fire had started in the attic spreading throughout the home causing significant personal property and residential damages.

6. The fire had reportedly began on July 27, 2009 at 8:24 a.m.

7. On or about July 27, 2009 at 8:28 a.m., the Oakland Fire Department made the scene. The investigation of this incident revealed a hot spot burning in the attic underneath a furnace unit.

8. To the best of Plaintiffs recollection, a claim was reported on July 27, 2009, under their policy with State Farm Insurance Company for the house fire.

9. Plaintiffs, Latrese Boyd and Wilma Douglass complied, to the best of their ability, with the requests made from State Farm Insurance Company regarding their investigation of this claim.

10. By letter dated February 12, 2010, State Farm Insurance Company informed Plaintiffs, Latrese Boyd and Wilma Douglass that their claim was denied.

11. State Farm Insurance Company improperly denied Plaintiffs claim in breach of its contract of insurance and the policy.

12. State Farm Insurance Company acted maliciously, negligently and in bad faith in failing to perform pursuant to the terms of the policy.

#### COUNT I

#### STATE FARM INSURANCE COMPANY'S BREACH OF CONTRACT -

#### FAILURE TO PAY ON POLICY

13. The allegations contained in paragraphs 1 through 12 of the Complaint are herein incorporated by reference.

14. State Farm Insurance Company breached its contractual obligations pursuant to the policy to pay Plaintiffs, Latrese Boyd and Wilma Douglass of the loss they sustained of their house and personal property.

15. As a result of such breach by State Farm Insurance Company, Plaintiffs Latrese Boyd and Wilma Douglass have incurred damages which include but are not limited to, the loss of their personal property, the cost and inconvenience of attempting to require State Farm Insurance Company to perform pursuant to the terms of the policy, the cost and inconvenience of being without a home while State Farm refused to fulfill its obligations under the terms of the policy, and attorneys fees and court costs for Plaintiffs, Latrese Boyd and Wilma Douglass to enforce the terms of the insurance policy against State Farm Insurance Company.

## COUNT II

### STATE FARM INSURANCE COMPANY - BAD FAITH PENALTY

16. The allegations contained in paragraphs 1 through 15 are incorporated herein by reference.

17. The refusal by State Farm Insurance Company to pay Plaintiffs, Latrese Boyd and Wilma Douglass' loss pursuant to the terms of the insurance policy was not in good faith and such failure to pay inflicted additional expenses and loss upon Plaintiffs. Defendant's actions are in violation of the Plaintiff's rights under the Tennessee Consumer Protection Act of T.C.A. § 47-18-101 et. seq.

18. As a result thereof, State Farm Insurance Company is liable to Plaintiffs, Latrese Boyd and Wilma Douglass for the Bad Faith Penalty as set out in T.C.A. §56-7-105.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that:

1. Proper process be issued against the Defendant and that it may be brought before this Court and required to answer the Complaint;
2. Upon a final hearing of this cause, the Court award a judgment against State Farm Insurance Company in the amount of \$150,000.00, plus all such amounts due them under the Policy and, in addition, prejudgment interest on the loss.
3. Upon final hearing in this cause, the Court award a judgment pursuant to T.C.A. §56-7-105 against State Farm Insurance Company as a result of the bad faith denial by State Farm's Insurance Company of Plaintiffs' claim, and further award the Plaintiffs' damages under the Tennessee Consumer Protection Act of T.C.A. § 47-18-101 et seq.
4. The Court award such other and further specific and general relief to which Plaintiffs, Latrese Boyd and Wilma Douglass may be entitled, including punitive damages if appropriate.
5. Plaintiffs hereby demands a jury trial.

Respectfully Submitted,



Ballin, Ballin & Fishman, P.C.  
Randall J. Fishman, (#7097)  
John A. Irvine, Jr. (#21538)  
200 Jefferson Avenue, Ste. 1250  
Memphis, TN 38103  
(901)525-6278

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

## SUMMONS IN CIVIL ACTION

Docket No. CT-083999-10 ☒ Lawsuit ☐ Divorce Ad Damnum \$ 150,000

Willma Douglas and Latrese Boyd

State Farm Insurance Company

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

Method of Service:

Please serve through Commissioner of Insurance:  
State Farm General Insurance Company  
One State Farm Plaza  
Bloomington, IL 61710

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☒ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☐ Private Process Server  
☐ Other

(\$ Attach Required Fees)

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and serving a copy of your answer to the Complaint on Randall J. Fishman Plaintiff's attorney, whose address is 200 Jefferson Avenue, Suite 1250, Memphis, TN 38103, telephone +1 (901) 525-6278 within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

JIMMY MOORE

Clerk

TESTED AND ISSUED

8/13/10

By

K. Stojanovic

D.C.

TO THE DEFENDANT:

NOTICE: Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 379-7895

I, JIMMY MOORE, Clerk of the Court,  
Shelby County, Tennessee, certify this to  
be a true and accurate copy as filed this

8/13/10

JIMMY MOORE, Clerk

By:

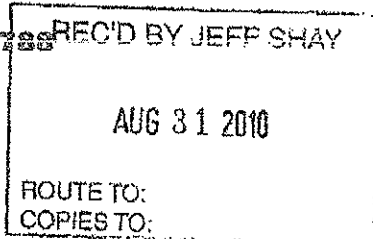
K. Stojanovic

RETURN OF SERVICE OF SUMMONS	
I HEREBY CERTIFY THAT I <u>HAVE</u> SERVED THE WITHIN SUMMONS:	
By delivering on the _____ day of _____, 20____ at _____ M. a copy of the summons	
and a copy of the Complaint to the following Defendant _____	
at _____	
Signature of person accepting service _____	By: _____ Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS	
I HEREBY CERTIFY THAT I <u>HAVE NOT</u> SERVED THE WITHIN SUMMONS:	
To the named Defendant _____	
because _____ is (are) not to be found in this County after diligent search and inquiry for the following	
reason(s): _____	
This _____ day of _____, 20____	
By: _____ Sheriff or other authorized person to serve process	

Docket No: _____	IN THE (CIRCUIT/CHANCERY) COURT  OF TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS	SUMMONS IN A CIVIL ACTION	VS  Wilma Douglas and Latrese Boyd Plaintiff	State Farm Insurance Company Defendant	Randall J. Fishman Attorney for Plaintiff/Pro Se  (901)525-6278 Telephone Number
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STATE OF TENNESSEE  
Department of Commerce and Insurance  
500 James Robertson Parkway  
Nashville, TN 37243-1131  
PH - 615.532.5260, FX - 615.532.2728  
brenda.meade@tn.gov



August 27, 2010

State Farm General Insurance Company  
2500 Memorial Boulevard % Jeff Shay  
Murfreesboro, TN 37131-0001  
NAIC # 25151

Certified Mail  
Return Receipt Requested  
7009 3410 0002 1722 6259  
Cashier # 4897

Re: Wilma Douglas & Latrese Boyd V. State Farm General Insurance Company

Docket # Ct-003999-10

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served August 24, 2010, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Brenda C. Meade  
Designated Agent  
Service of Process

Enclosures

cc: Circuit Court Clerk  
Shelby County  
140 Adams Street, Rm 324  
Memphis, Tn 38103